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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/687,542	10/16/2003	Alan Phillips	JK01474	7747

28268 7590 03/20/2007
THE BLACK & DECKER CORPORATION
701 EAST JOPPA ROAD, TW199
TOWSON, MD 21286

EXAMINER

BLAKE, CAROLYN T

ART UNIT	PAPER NUMBER
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3724

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	03/20/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/687,542

Applicant(s)

PHILLIPS ET AL.

Examiner

Carolyn T. Blake

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 December 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-7, 9-11, 13-19, 21 and 22 is/are pending in the application.
- 4a) Of the above claim(s) 3-6 and 13-16 is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1, 2, 7 and 9 is/are allowed.
- 6) ☒ Claim(s) 11, 17, 19, 21 and 22 is/are rejected.
- 7) ☒ Claim(s) 18 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 21 April 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on November 6, 2006 has been entered.
2. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claim 21 is rejected under 35 U.S.C. 102(b) as being anticipated by Barth et al (4,955,744).

Barth et al disclose a blade clamp assembly as claimed, including: means for engaging (32) the blade (15) to hold the blade on the arbor (10); and a means for clamping (including clamping nut 17 and gears 31, 37, 38) the blade engaging means against the blade, the clamping means including means for transmitting (including planetary gear system 31, 37, 38) torque applied to the clamping means to the blade

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engaging means; wherein the blade engaging means and the clamping means include means for engaging (abutting surfaces); and wherein the torque transmitting means multiplies the torque transmitted to the blade engaging means so that the torque transmitted to the blade engaging means is greater than the torque applied to the claiming means.

Claim Rejections - 35 USC § 103

5. Claims 11, 17, and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Barth et al in view Kanaan et al (5,947,671).

Barth et al disclose a blade clamp assembly substantially as claimed, including: a motor; an arbor (10) rotated by the motor for supporting a rotary blade (15); and a blade clamp assembly including a blade washer (32), a planetary gear system (31, 37, 38), a body (39); a threaded bolt (13), a carrier (17), a cap (22), and a ring gear (teeth 40). Barth et al fail to disclose a lever. However, Kanaan et al disclose a blade clamp assembly wherein a lever (such as 34) is employed to further increase torque in an effective and ergonomic manner. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide a lever, as taught by Kanaan et al, on the Barth et al device for the purpose of further increasing torque in an effective and ergonomic manner.

6. Claim 22 is rejected under 35 U.S.C. 103(a) as being unpatentable over Barth et al as applied to claim 21 above, and further in view of Kanaan et al.

Barth et al disclose a blade clamping assembly substantially as claimed, but fail to disclose a lever. However, Kanaan et al disclose a blade clamp assembly wherein a

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lever (such as 34) is employed to further increase torque in an effective and ergonomic manner. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide a lever, as taught by Kanaan et al, on the Barth et al device for the purpose of further increasing torque in an effective and ergonomic manner.

Allowable Subject Matter

7. Claims 1, 2, 7, 9, and 10 are allowed.
8. Claim 8 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Response to Arguments

9. Applicant's arguments have been considered but are moot in view of the new ground(s) of rejection.

Applicant's arguments regarding claim 21 are not understood. Applicant states, "With respect to claim 21, Applicants note that claim 21 had been amended in the previous Amendment to include keyed surfaces on the blade engaging means" (page 8, lines 20-21). However, the examiner does not see where the keyed surfaces are claimed in claim 21. While the claim does require "means for engaging" (line 7), this limitation does not necessitate keyed surfaces or teeth.

Conclusion

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Carolyn T. Blake whose telephone number is (571) 272-

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4503. The examiner can normally be reached on Monday to Thursday, 7:00 AM to 5:30 PM EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Boyer D. Ashley can be reached on (571) 272-4502. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

CB
March 8, 2007



BOYER D. ASHLEY
SUPERVISORY PATENT EXAMINER